

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: HARLEY ET AL.

APPLICATION No.: 10/563,533

FILED: June 25, 2004

FOR: FORMULATIONS CONTAINING ASTAGALUS
EXTRACTS AND USES THEREOF

EXAMINER: TO BE ASSIGNED

ART UNIT: 1655

CONF. No: 8436

**Information Disclosure Statement Within Three Months of
Application Filing or Before First Action – 37 C.F.R. § 1.97(b)**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A. Timing of Submission

This information disclosure is being filed within three months of the filing date of this application or date of entry into the National Stage of an International Application or before the mailing date of a first Office Action on the merits or before the mailing date of a first Office Action on the merits after the filing of a Request for Continued Examination under 37 CFR §1.114, whichever occurs last (37 CFR 1.97(b)(4)). The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application.

B. Cited Information

- ☒ Copies of references 1-11 are issued patent(s) and published application(s) and are not included (see C.F.R. § 1.98(a)(2)(i)).
- ☒ Copies of references 12-27 are enclosed.

C. Effect of Information Disclosure Statement (37 C.F.R. § 1.97(h))

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or

is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

D. Fee Payment

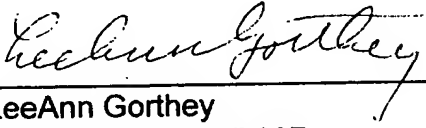
No fees are believed due because this Information Disclosure Statement is being filed before the mailing date of the first Office Action. However, should the Commissioner determine that fees are due in order for this Information Disclosure Statement to be considered, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-2207.

E. Patent Term Adjustment (37 C.F.R. § 1.704(d))

- ☒ The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

Respectfully submitted,
Perkins Coie LLP

Date: 1-12-2007



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INFORMATION DISCLOSURE STATEMENT BY APPLICANT Form PTO-1449 (Modified) (Use several sheets if necessary)				COMPLETE IF KNOWN	
				Application Number	10/563,533
				Confirmation Number	8436
				Int'l Filing Date	June 25, 2004
				First Named Inventor	Harley et al.
				Group Art Unit	1655
Examiner Name	To be Assigned				
Attorney Docket No.	38797-8003.US00				
Sheet	1	of			

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No.	U.S. Patent or Application		Name of Patentee or Inventor of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		NUMBER	Kind Code (if known)			
	1.	5,629,154		Kim <i>et al.</i>	5/13/97	
	2.	5,785,977		Breithbarth	7/28/98	
	3.	5,786,343		Ber	7/28/98	
	4.	5,916,565		Rose <i>et al.</i>	6/29/99	
	5.	5,942,233		Chang	8/24/99	
	6.	6,126,942		Yang	10/3/00	
	7.	6,153,208		McAtee <i>et al.</i>	11/28/00	
	8.	6,190,678		Hasenoeuhl <i>et al.</i>	2/20/01	
	9.	6,277,396		Dente	8/21/01	
	10.	6,346,539		Raman <i>et al.</i>	2/12/02	
	11.	2002/0182272		Halsted, Bruce	12/5/02	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No.	Foreign Patent or Application			Name of Patentee or Applicant of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Office	NUMBER	Kind Code (if known)				
	12.	CN	1383853	A	Zheng G	12/11/02		English Abstract
	13.	JP	62012791	A2	Osaka Yakuhin Kenkyusho KK	1/21/87		English Abstract
	14.	PCT	WO 99/35243		Cold Spring Harbor Laboratory	7/15/99		
	15.	PCT	WO 00/08135		Geron Corporation	2/17/00		
	16.	PCT	WO 00/31238	A2/A3	Genetica, Inc.	6/2/00		

OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.	T
	17.	Bedir et al., "Immunostimulatory effects of cycloartane-type triterpene glycosides from <i>Astragalus</i> species", <i>Biol & Pharm Bull</i> , <u>23</u> (7):834-7 (2000).	
	18.	Chu et al., "Fractionated extract of <i>Astragalus membranaceus</i> , a Chinese medicinal herb, potentiates LAK cell cytotoxicity generated by a low dose of recombinant interleukin-2", <i>Journal of Clinical & Laboratory Immunology</i> , <u>26</u> (4):183-7 (1988).	

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application(s).	

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	19.	Chu et al., "Immunotherapy with Chinese medicinal herbs. II. Reversal of cyclophosphamide-induced immune suppression by administration of fractionated <i>Astragalus membranaceus</i> in vivo", <i>Journal of Clinical & Laboratory Immunology</i> , 25(3):125-9 (1988).	
	20.	Dagarag et al., "Differential impairment of lytic and cytokine functions in senescent human immunodeficiency virus type 1-specific cytotox T lymphocytes", <i>J. Virol.</i> , 77(5):3077-83 (2003).	
	21.	Huang et al., "Selected non-timber forest products with medicinal applications from Jilin Province in China", Conference Title: Forest communities in the third millennium: Linking research, business, and policy toward a sustainable non-timber forest product sector; Kenora, Ontario, Canada, 1-4 October, 1999; General Technical Report-North Central Research Station, USDA Forest Service (No.NC-217): p.93-101 (2000).	
	22.	Kitagawa et al., <i>Chem. Pharm. Bull.</i> , 31(2):689-697 (1983).	
	23.	Kitagawa et al., <i>Chem. Pharm. Bull.</i> , 31(2):698-708 (1983).	
	24.	Xiao et al., Total analytical method for <i>Radix astragali</i> extract using two-binary multi-segment gradient elution liquid chromatography, <i>J. Sep. Sci.</i> , 24(3):186-196 (2001).	
	25.	Yang et al., "Human endothelial cell life extension by telomerase expression", <i>Journal of Biological Chemistry</i> , 274(37):26141-8 (1999).	
	26.	Zhao et al., "Enhancement of the immune response in mice by <i>Astragalus membranaceus</i> extracts", <i>Immunopharmacology</i> , 20(3):225-234 (1990).	
	27.	Zhiren et al., "Studies on chemical constituents and immunological function activity of hairy root of <i>Astragalus membranaceus</i> ", <i>Chinese Journal of Biotechnology</i> , 14(2):93-7 (1998).	

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